

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**NATIONAL ORGANIZATION FOR
WOMEN, et al.,**

Plaintiffs,

VS.

OPERATION RESCUE, et al.,

Defendants.

Case No. 2:05-MC-00001

Judge Marbley

Magistrate Judge King

**PLAINTIFFS' STATUS UPDATE REGARDING MOTION FOR ISSUANCE OF
WRIT OF EXECUTION OF DEFENDANT'S PROPERTY IN SATISFACTION
(PARTIAL OR WHOLE) OF JUDGMENT AND FOR AN ORDER FOR A
JUDGMENT DEBTOR EXAMINATION**

Plaintiffs the National Organization for Women, 51st State National Organization for Women, Maryland National Organization for Women, Virginia National Organization for Women, Planned Parenthood of Metropolitan Washington National Abortion Federation Capitol Women's Center, Commonwealth Women's Clinic, Hillcrest Women's Surgi-Center, Metropolitan Family Planning Institute, New Summit Medical Center, Washington Surgi-Center, Washington Hospital, Planned Parenthood of Maryland, Baltimore Women's Medical Center, Hillcrest Clinic-Baltimore, Metropolitan Family Planning Gynecare Center, Prince George's Reproductive Health Service, Planned Parenthood Metropolitan Washington D.C., Inc., hereby provide a status update to the

Court pursuant to this Court's October 20, 2008 Order. To date, this Court has issued no rulings with respect to Plaintiffs' January 23, 2007 motion to this Court for the issuance of a writ of execution of certain property of Judgment Debtor Jayne Bray ("Bray"), or with respect to their March 28, 2005 motion for an Order for Judgment Debtor Examination.

Without waiving their right to re-raise their motion for an Order for Judgment Debtor Examination at a later time if necessary, Plaintiffs are willing to withdraw this motion at this point in the interest of moving forward expeditiously with the motion for writ of execution in this case. Hopefully, a decision on this issue will also allow the execution of a writ already issued in a related case in this Court with respect to a separate judgment against Mrs. Bray's husband, Michael Bray to go forward. A brief history of this, and the related action pending in this Court with respect to Mr. Bray, is instructive.

Plaintiffs obtained the Judgment that they seek to execute on against Mrs. Bray in the United States District Court for the District of Maryland in connection with an action brought against Mrs. Bray and other anti-abortion extremists, to prevent them from blockading or otherwise interfering with access to abortion clinics.¹

¹ The Court entered a preliminary injunction prohibiting Ms. Bray and her co-defendants from interfering with clinic activities. Defendants failed to comply with the preliminary injunction. As a result, Plaintiffs initiated contempt proceedings and filed for summary judgment. The Court held that Plaintiffs were entitled to summary judgment and further determined that a permanent injunction should be issued and that the Defendants were in contempt of the preliminary injunction. The Court awarded attorneys' fees and costs for both the underlying action as well as the contempt proceedings. The United States Bankruptcy Court for the District of Maryland, in Adversary Proceeding # 00-01293 denied Ms. Bray a discharge of this debt by Order dated May 9, 2001. Plaintiffs registered the Judgment under Section 1963 of Title 28 of the United States Code with this Court on January 5, 2005.

On August 17, 2006, this Court issued a Writ of Execution in a pending related matter in which Mrs. Bray's husband, a fellow anti-abortion extremist, is the Defendant Judgment/Debtor. In Planned Parenthood of Columbia/Williamette, Inc., v. Am. Coalition of Life Activists, Case No. 2:05-mc-002, this Court ordered the U.S. Marshal Service to seize real and personal property of Mr. Bray. On September 12, 2006, Mrs. Bray filed a Motion to Intervene in Planned Parenthood, asserting that she had an interest in the real and personal property listed in the August 17, 2006 Writ of Execution. The Court granted Mrs. Bray's motion. Pursuant to this Court's Order, on October 26, 2006, Mrs. Bray filed an Answer in which she specifically outlines her purported ownership interest in the real property (located at 308 High Street, Wilmington, OH 45177) and personal property that is listed in the August 17, 2006 Writ of Execution.

For the reasons stated in Planned Parenthood's November 16, 2006 Memorandum of Law filed in response to Mrs. Bray's Answer, filed in Planned Parenthood, Plaintiffs believe that Mrs. Bray does not have any ownership interest in the real property located at 308 High Street, Wilmington, OH 45177 (the "Property") or the personal property that is the subject of the August 17, 2006 Writ of Execution issued in Planned Parenthood. However, to the extent that this Court rules that Mrs. Bray has any such ownership interest in the Property and/or personal property listed in the August 17, 2006 Writ of Execution, Plaintiffs should be allowed to execute against any amounts of the proceeds of the sale of the Property and/or the personal property subject to the August 17, 2006 Writ of Execution that this Court determines is owed in whole or in part by Mrs. Bray.

Accordingly, Plaintiffs respectfully request that this Court issue a writ of execution to the United States Marshal Service, Southern District of Ohio, ordering the seizure of the amount of any portion of the proceeds of any sale of the Property or items listed in the August 17, 2006 Writ of Execution issued in Planned Parenthood that the Court determines to be the property of Mrs. Bray, necessary to satisfy the Judgment. It is the Plaintiffs' hope that once this issue is resolved, this Court will also decide the outstanding motions in Planned Parenthood so that the Judgment Creditors in both cases can go forward with collecting their respective judgments against the Brays as appropriate.

October 31, 2008

Respectfully submitted,

/s/ Philomena M. Dane
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing is being served electronically through the Court's Case Management/Electronic Case File System.

/s/ Philomena M. Dane
Philomena M. Dane